

CV 13 - 363

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UBALDO WILLIAMS,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, NYPD OFFICER JOHN
DENNIS, NYPD OFFICER MARCOS VAZQUEZ and
"JOHN DOES" and "JANE DOES" 1-10,
Individually and as New York City
Police Officers,

Defendants.
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Case No.

COMPLAINT

PLAINTIFF DEMANDS A
TRIAL BY JURY

JOHNSON

Plaintiff, Ubaldo Williams, by his attorneys, The Law Offices of Daniel W. Isaacs, PLLC, complaining of the defendant, The City of New York, The New York City Police Department, NYPD Officer John Dennis, NYPD Officer Marcos Vazquez and "JOHN DOES" and "JANE DOES" 1-10, Individually and as New York City Police Officers, alleges as follows:

NATURE OF THE ACTION

1. This action is brought to recover for the wrongful arrest, false indictment, illegal detention, false imprisonment and violation of the civil rights of the claimant, Ubaldo Williams, by the defendants.

JURISDICTION

2. This matter is based upon the violation of plaintiff's civil rights under 28 U.S.C. Section 1983.

3. This Court has original jurisdiction of all civil

actions arising under the constitution, laws or treaties of the United States.

4. Therefore, this Court has jurisdiction over this dispute pursuant to 28 U.S.C. Section 1331.

VENUE

5. As the acts complained of occurred in the County of Kings, venue is proper in the District pursuant to 28 U.S.C. Section 1391(b).

FACTUAL ALLEGATIONS

6. That at all times hereinafter mentioned the plaintiff was and still is a resident of the County of Kings, City and State of New York.

7. That prior hereto, on December 24, 2012, and within the time prescribed by law a sworn Notice of Claim stating among other things, the time when and the place where the injuries and damages were sustained, together with plaintiff's demand for adjustment thereof was duly served on the claimant's behalf on the Comptroller of the City of New York and that thereafter said Comptroller of the City of New York refused or neglected for more than thirty days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, within the time provided by law, this action was commenced.

8. That on February 15, 2013, pursuant to General Municipal Law 509h), the plaintiff testified under oath at a hearing at office of Shapiro, Beilly & Aronowitz, LLP,

at 225 Broadway New York, New York 10007.

9. That this action is being commenced within one year and ninety days after the accrual of this cause of action, or within the time allowed by law.

10. That at all times hereinafter mentioned, the New York City Police Department was an agency of the City of New York.

11. That at all times hereinafter mentioned Officer John Dennis, Officer Marcos Vazquez and "John Does and "Jane Does" 1-10 were police officers employed by the New York City Police Department.

12. That at all times hereinafter mentioned Officer John Dennis, Officer Marcos Vazquez and "John Does and "Jane Does" 1-10 were agents, servants and/or employees of defendant The City of New York.

13. That on October 6, 2011, at approximately 3:50 p.m. at the corner of Wortman Avenue and Alabama Avenue, Brooklyn New York, New York City Police Officers John Dennis, Marcos Vasquez and "John Does" and "Jane Does" 1-10 without cause, illegally detained, falsely arrested, indicted and imprisoned the plaintiff for allegedly patronizing a prostitute in the third degree, which was dismissed by the Criminal Court of the City of New York on October 2, 2012, and violated the civil rights of the Plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION FOR ILLEGAL DETAINMENT

14. That on October 6, 2011, the defendants did illegally detain the plaintiff.

15. That the Plaintiff did not consent to his detainment.

16. That all of the foregoing occurred without any actions

of the Plaintiff contributing thereto.

17. That as a result of the foregoing, the Plaintiff has been damaged in the amount of One Million (\$1,000,000.00) Dollars.

AS AND FOR A SECOND CAUSE OF ACTION FOR FALSE ARREST

18. Plaintiff repeats, reiterates and realleges each and every allegation set forth in paragraphs "1" to "17" of this complaint with the same force and effect as if set forth at length herein.

19. That on or about October 6, 2011, the Defendants acting in concert and in the course of their employment and under the authority of law did cause the Plaintiff to be falsely arrested.

20. That the Plaintiff was arrested without probable cause.

21. That all of the foregoing occurred without any actions of the Plaintiff contributing thereto.

22. That as a result of the foregoing, the Plaintiff has been damaged in the amount of One Million (\$1,000,000.00) Dollars.

AS AND FOR A THIRD CAUSE OF ACTION FOR FALSE IMPRISONMENT

23. Plaintiff repeats, reiterates and realleges each and every allegation set forth in paragraphs "1" to "22" of this complaint with the same force and effect as if set forth at length herein.

24. That on or about October 6, 2011, defendants acting in concert and in the course of their employment,

under the authority of law did cause the Plaintiff to be falsely imprisoned.

25. That the Plaintiff was falsely imp[rined from October 6, 2011 through October 7, 2011.

26. That all of the foregoing occurred without any actions of the plaintiff contributing thereto.

27. That all charges against Plaintiff were dismissed by the Criminal Court of the City of New York on October 2, 2012.

28. That as a result of the foregoing, the Plaintiff has been damaged in the amount of One Million (\$1,000,000.00) Dollars.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR VIOLATION OF
PLAINTIFF'S CIVIL RIGHTS**

29. Plaintiff repeats, reiterates and realleges each and every allegation set forth in paragraphs "1" to "28" of this complaint with the same force and effect as if set forth at length herein.

30. As a result of the illegal and improper acts alleged in the prior causes of action all of which were done intentionally and with deliberate and undue callous disregard of plaintiff's rights, plaintiff was deprived of his Constitutional Rights secured under the 4th, 5th and 14th amendments of the Constitution of the United States and 42 U.S.C. Section 1983.

31. That as a result of the foregoing, the Plaintiff has been damaged in the amount of One Million (\$1,000,000.00) Dollars.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment directing defendants to pay plaintiff compensatory damages for the damages and associated expenses suffered in the sum of One Million (\$1,000,000.00) Dollars on the First Cause of Action; One Million (\$1,000,000.00) Dollars on the Second Cause of Action; One Million (\$1,000,000.00) Dollars on the Third Cause of Action; One Million (\$1,000,000.00) Dollars on the Fourth Cause of Action; the costs of this action together with reasonable attorneys' fees; such other and further relief as this Court deems necessary and proper.


DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Dated: New York, New York
December 23, 2013

Yours, etc.,

LAW OFFICES OF DANIEL W. ISAACS, PLLC

By: 
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